

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
GAINESVILLE DIVISION

JAMES FINCH and JUSTIN FINCH,	:	
et al.,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	CIVIL ACTION
	:	NO. 2:10-CV-0062-WCO
DONALD SHANE BROWN, et al.,	:	
	:	
Defendants.	:	

ORDER

The captioned case is before the court for consideration of defendant Phillip Stanley's "Motion to Depose Incarcerated Plaintiff Jason Otis Finch" [74].

On January 11, 2011, defendant Phillip Stanley filed the instant motion seeking to depose plaintiff Jason Otis Finch, who is currently incarcerated. The discovery period expired on January 24, 2011. The court held an oral hearing on February 9, 2011, to address this matter.

Pursuant to Federal Rule of Civil Procedure 30(a)(2)(B), a party must obtain permission from the court before deposing an incarcerated person. After considering this matter, the court will grant defendant permission to depose plaintiff Jason Otis Finch. Since discovery has closed, this necessarily requires a limited extension of discovery, solely to conduct this deposition.

The parties represented to the court that Jason Otis Finch is currently held by the Georgia Department of Corrections at a facility in Bainbridge, Georgia. The deposition of Jason Otis Finch should be conducted at this facility on Wednesday, February 16, 2011, at 1:00 P.M. If the warden of this facility is unable to accommodate the deposition at this time, the warden should contact the court as soon as possible.

For the foregoing reasons, defendant Phillip Stanley's "Motion to Depose Incarcerated Plaintiff Jason Otis Finch" [74] is hereby **GRANTED**. The warden of the facility where plaintiff Jason Otis Finch is currently incarcerated is hereby **ORDERED** and **DIRECTED** to allow the deposition of Jason Otis Finch on Wednesday, February 16, 2011, at 1:00 P.M.

IT IS SO ORDERED, this 11th day of February, 2011.

s/William C. O'Kelley

WILLIAM C. O'KELLEY
Senior United States District Judge